## Remarks

The foregoing amendments in the claims are of formal nature and serve to address issues of alleged ambiguity raised in the Office Action. The amendments to not introduce new matter. Since the amendments do not require additional search or extensive consideration by the Examiner, rather are believed to place the application in prima facie conditions for allowance, or, at least, present the claims in better form for consideration on appeal, their entry after final rejection is respectfully requested.

## The Office Action

***Claim Rejections - 35 USC § 112***

(1) Claims 1 and 2 were rejected under 35 USC § 112, second paragraph as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. While the Examiner acknowledged that the amendments made in response to the previous Office Action helped alleviating problems with the antecedent basis for the terms in the claims, the claims remained rejected as being indefinite for the following reasons:

(i) claims 1 and 2 omitted the step or the addition of the serially diluted phagemid clone;

(ii) it was unclear "how binding of the phagemid clone to the ligand is inhibited by the phagemid clone and how this inhibition is measured when, according to [the] claimed method, only a phagemid clone, a polypeptide, and a ligand are present."

The claims as currently amended clearly describe that the claimed assay is based on measuring the degree to which binding of a phagemid clone displaying a peptide to a ligand is inhibited by a polypeptide which competes with the peptide for ligand binding, at low and high phagemid concentrations. As described in Example 7 (page 11, line 13 - page 112, line 31), and as clearly recited in the amended claims, phagemid clones whose binding to the ligand is inhibited by the polypeptide only at low phagemid concentrations have a higher affinity for the

ligand than phagemid clones the binding of which is inhibited at both high and low phagemid concentrations, and the degree to which binding of the phagemid clone to the ligand is inhibited by the polypeptide determines the relative binding affinity of the peptide displayed on the phagemid to the ligand.

Accordingly, the Examiner is respectfully requested to reconsider and withdraw this rejection.

(2) Claims 1 and 2 were additionally rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. The Examiner noted that despite Applicants' prior arguments, it "doesn't matter whether the 'phage' is the same as or different from the 'phagemid.' In either case, it would be impossible for the 'phage' to inhibit 'only at low concentrations' and not a higher phagemid concentrations." Applicants believe that the current rewording of claim 1 obviates this rejection. Claim 1 is now clear in stating that the assay measures the degree to which a polypeptide, competing for ligand binding, inhibits the binding of phagemid clones to the ligand, at high and low phagemid concentrations. As described in Example 7, and shown in Figures 26-28, this method is fully operable and yields the information (relative binding affinity) recited in the claims.

Accordingly, Applicants respectfully request the withdrawal of this rejection.

All claims pending in this application are believed to be in prima facie condition for allowance, and an early action to that effect is respectfully solicited.

Please charge any additional fees, including any fees for extension of time, or credit overpayment to Deposit Account No. 08-1641 (Attorney Docket No.: 39766-0127P1D15).

Please direct any calls in connection with this application to the undersigned at the number provided below.

Respectfully submitted,

Date: October 18, 2004

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